

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

BROADWAY 104, LLC d/b/a CAFE DU SOLEIL, individually and on behalf of all others similarly situated,

DEFENDANTS

AXA FINANCIAL, INC.; XL INSURANCE AMERICA, INC.,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Tina Wolfson
AHDOOT & WOLFSON, PC
10728 Lindbrook Drive, Los Angeles, CA 90024; T: (310) 474-9111

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1332(d)(2) - wrongful denial of insurance claim arising from restaurant closure during COVID-19 pandemic

Judge Previously Assigned

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY [] 367 HEALTHCARE/ PHARMACEUTICAL PERSONAL INJURY/PRODUCT LIABILITY [] 310 AIRPLANE [] 315 AIRPLANE PRODUCT LIABILITY	FORFEITURE/PENALTY [] 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881 [] 365 PERSONAL INJURY PRODUCT LIABILITY [] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	BANKRUPTCY [] 422 APPEAL 28 USC 158 [] 423 WITHDRAWAL 28 USC 157 [] 690 OTHER	OTHER STATUTES [] 375 FALSE CLAIMS [] 376 QUI TAM [] 400 STATE REAPPORTIONMENT [] 410 ANTITRUST [] 430 BANKS & BANKING [] 450 COMMERCE [] 460 DEPORTATION [] 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO) [] 480 CONSUMER CREDIT [] 490 CABLE/SATELLITE TV	
[] 110 INSURANCE [] 120 MARINE [] 130 MILLER ACT [] 140 NEGOTIABLE INSTRUMENT [] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT [] 151 MEDICARE ACT [] 152 RECOVERY OF DEFUNTED STUDENT LOANS (EXCL VETERANS) [] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS [] 160 STOCKHOLDERS SUITS [x] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY [] 195 [] 196 FRANCHISE	ACTIONS UNDER STATUTES CIVIL RIGHTS [] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	PERSONAL PROPERTY [] 340 MARINE [] 345 MARINE PRODUCT LIABILITY [] 350 MOTOR VEHICLE [] 355 MOTOR VEHICLE PRODUCT LIABILITY [] 360 OTHER PERSONAL INJURY [] 362 PERSONAL INJURY - MED MALPRACTICE	PROPERTY RIGHTS [] 820 COPYRIGHTS [] 830 PATENT [] 370 OTHER FRAUD [] 371 TRUTH IN LENDING	SOCIAL SECURITY [] 861 HIA (1395ff) [] 862 BLACK LUNG (923) [] 863 DIWC/DIWV (405(g)) [] 864 SSID TITLE XVI [] 865 RSI (405(g))	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE [] 890 OTHER STATUTORY ACTIONS [] 891 AGRICULTURAL ACTS	
REAL PROPERTY		PRISONER PETITIONS [] 463 ALIEN DETAINEE [] 510 MOTIONS TO VACATE SENTENCE 28 USC 2255	LABOR [] 1710 FAIR LABOR STANDARDS ACT [] 1720 LABOR/MGMT RELATIONS	FEDERAL TAX SUITS [] 870 TAXES (U.S. Plaintiff or Defendant) [] 871 IRS-THIRD PARTY 26 USC 7609	[] 893 ENVIRONMENTAL MATTERS [] 895 FREEDOM OF INFORMATION ACT [] 896 ARBITRATION [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION [] 950 CONSTITUTIONALITY OF STATE STATUTES	
[] 210 LAND CONDEMNATION [] 220 FORECLOSURE RENT LEASE & EJECTMENT [] 230 [] 240 TORTS TO LAND TORT PRODUCT LIABILITY [] 245 ALL OTHER REAL PROPERTY		PRISONER CIVIL RIGHTS [] 441 VOTING [] 442 EMPLOYMENT [] 443 HOUSING/ ACCOMMODATIONS [] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT [] 446 AMERICANS WITH DISABILITIES - OTHER [] 448 EDUCATION	IMMIGRATION [] 462 NATURALIZATION APPLICATION [] 550 CIVIL RIGHTS [] 555 PRISON CONDITION [] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:		

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$5,000,000 OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
			<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)			
<input type="checkbox"/> a. all parties represented <input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF	DEF	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF	DEF	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF	DEF					
CITIZEN OF ANOTHER STATE	[]	2	[]	2	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	4 [] 14	FOREIGN NATION	[]	6	[]	6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Broadway 104, LLC, New York, NY 10025 (New York County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Axa Financial, Inc., 1290 Avenue of the Americas, New York, NY 10104 (New York County)

XL Insurance America, Inc., 70 Seaview Avenue, Stamford, CT 06902 (Fairfield County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE May 15 2020 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

 YES (DATE ADMITTED Mo. 09 Yr. 2016)
Attorney Bar Code # TW1016

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)